



THE CITY OF NEW YORK
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February 14, 2013

VIA ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Lamont Racks v. City of New York, et al., 11 CV-2305(ERK)(RML)

Your Honor:

I am an attorney in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City in the above-referenced matter. I write to provide the Court with a status update regarding defendant Ortiz's military leave.

Defendant Ortiz, the officer who arrested plaintiff, remains on military leave. As a result, I am unable to interview him to determine whether I can represent him in this matter. Therefore, I respectfully request that the stay in this matter remain in effect, for the same reasons as those stated in my letter of February 13, 2012.

Respectfully submitted,

Katherine A. Macfarlane

Katherine Macfarlane

cc: **VIA ECF**
John J. Nonnenmacher, Esq.
Attorney for Plaintiff